

# EXHIBIT F

JUDITH A. FITZGERALD  
UNITED STATES vs STATE OF GEORGIA

August 16, 2022

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STATE OF GEORGIA,

Defendants.

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) CIVIL ACTION  
) NO. 1:16-cv-03088-ELR  
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)  
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)

VIDEOTAPE DEPOSITION OF  
JUDITH ANN FITZGERALD

Tuesday, August 16, 2022, 9:08 a.m., EST

HELD AT:

Robbins Alloy Belinfante Littlefield LLC  
500 14th Street, N.W.  
Atlanta, Georgia 30318

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WANDA L. ROBINSON, CRR, CCR, No. B-1973  
Certified Shorthand Reporter/Notary Public

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1 have program experts in behavioral health and in  
2 intellectual and developmental disabilities who  
3 would also be engaged in very detailed work.

4 Q Now, what are the services that DBHDD  
5 contracts for in behavioral health as distinct from  
6 the services that DCH contracts for?

7 A So DBHDD has a four-hour -- we have  
8 three-tiers of providers, and those tiers are  
9 designated by the services they provide.

10 So Tier I provides a set of core services,  
11 which we use that term, "core services." That's  
12 essentially the continuum of services, the minimum  
13 continuum of services that a CSB should provide.

14 Q And does DCH similarly provide for those  
15 services?

16 A I'm not sure how to answer that question  
17 in that way.

18 Q Maybe I'm asking you the wrong question.  
19 Let me back up a little bit.

20 A Okay.

21 Q Who is the population that DBHDD contracts  
22 services for?

23 A The individuals with severe -- serious and  
24 persistent mental illness, and for youth, youth with  
25 serious emotional disturbances.

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1           That's the prime population for the state  
2 funds. We also receive federal funds to do other  
3 things. But assuming you're talking about the state  
4 funds here.

5           Q     Is that population with serious and  
6 persistent mental illness in use, with serious  
7 emotional disturbances, are all services to that  
8 population provided by DBHDD, or are some provided  
9 by DCH?

10          A     It depends on the individual's insurance  
11 in some cases.

12          Q     So your answer is yes, some are provided  
13 by DBHDD and some are provided by DCH?

14          A     Through DCH contracted providers.

15          Q     And working off the behavioral manual that  
16 presumably describes common services?

17                THE WITNESS: God bless you.

18                MR. BELINFANTE: Thank you.

19          A     Yes.

20          Q     And the dividing line is, between DCH and  
21 DBHDD is the type of insurance an individual has or  
22 whether they're insured or not?

23          A     Primarily.

24          Q     And which individuals does DBHDD contract  
25 for services for with regard to their insurance or

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1 A Yes.

2 Q Now, does DCH have a role in selecting  
3 what behavioral health services the State provides,  
4 or is that role reserved to DBHDD?

5 A DBHDD is the behavioral health authority,  
6 but we work in concert with the Department of  
7 Community Health. So if there were a program or  
8 service area that we deemed important or necessary  
9 to be included, we would likely be in conversation  
10 with DCH about why that was, how that might play out  
11 in the network of service delivery.

12 Q And so it's fair to say that you work in  
13 concert with DCH on selection of behavioral health  
14 services, and DBHDD has the final authority?

15 MR. BELINFANTE: Object to form.

16 A Yes, DBHDD is the authority.

17 Q So let's just take an example of the  
18 Georgia Apex program.

19 You're familiar with that, Commissioner?

20 A Yes.

21 Q We'll talk about it in a little more  
22 detail later, but let's just take it as an example.

23 So the Georgia Apex Program represents an  
24 initiative by DBHDD to advance certain services in  
25 certain settings to children and adolescents with

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1 behavioral health needs?

2 A Yes.

3 Q And some of those services are paid for by  
4 DBHDD and some are paid for by DCH?

5 A Yes.

6 Q But the control of the program rests with  
7 DBHDD?

8 A Yes.

9 MR. BELINFANTE: Object to form.

10 THE WITNESS: May I, before we go?  
11 Because it looks like we're going into a line  
12 of question here. I just need a quick bathroom  
13 break.

14 MS. COHEN: Sure.

15 THE WITNESS: Can we do that?

16 MS. COHEN: We can do that, and I don't  
17 know of how urgent it is, but we can also order  
18 lunch if you like to do that now, Josh.

19 MS. ROSS: Okay.

20 THE WITNESS: I need more water.

21 THE VIDEOGRAPHER: We're off the record at  
22 10:33 a.m.

23 (A recess was taken.)

24 THE VIDEOGRAPHER: Back on the record at  
25 11:02 a.m.